



**TOWN OF WILTON
PLANNING BOARD MEETING
DRAFT MINUTES**

DATE: January 20, 2016
TIME: 7:30 PM
PLACE: Wilton Town Hall Courtroom

PRESENT: Wilton Planning Board Members: Chairman Jeffrey Kandt (arrived late), Vice- Chairman Sara Spittel, Neil Faiman, Alec MacMartin, Tracey Ewing (Alternate voting for Marion Kearns), Selectmen Kermit Williams, NRPC Representative Camille Pattison, Secretary Sorrell Downing, Arthur Sicliano, Susan Pliner.

Public Hearing

Vice-Chairman Spittel opened the Public Hearing at 7:35 PM.

PB-SD01-0116 – Kennedy

An application by James H. Kennedy for a subdivision of two lots at 539 Isaac Frye Highway, Lot F-3. One lot would be 4.04 acres and the other lot would be 8.85 acres. Both proposed lots are for residential use.

This property was previously proposed to be subdivided. Many of the planning board members are familiar with the property.

Mr. Kennedy has submitted a subdivision application for acceptance and approval to subdivide Lot F-3, 12.89 acres, located at 539 Isaac Frye Highway, into two residential lots. The parcel is located just north of the South Yard Cemetery, and is located almost entirely within the Aquifer Protection District, with a small area of wetlands in the northeast corner of the site. The site is not within the Flood Hazard Zone.

As proposed the newly configured Lot F-3-1 will be a back lot with 58.5' of frontage and 8.85 acres, while Lot F-3 will have over 500' of frontage and 4.04 acres. Both lots meet the required frontage, setback and acreage requirements of the General Residence and Agricultural District for both standard and back lots accordingly, including a minimum of 2 contiguous acres of land excluding wetlands and land in the 100 year floodplain.

According the Section 12.3 Permitted Uses in the Aquifer Protection District:

1 *C.2 If serviced by on-site water and/or sewer, at fifty (50) percent of the density of the*
2 *underlying District (i.e. double the acreage requirement of the underlying District)*
3 *however, this does not increase the minimum dry are requirement of the underlying*
4 *District;*

5
6 *C.3 If developed under the Alternative Lot Requirements set forth in Section 6.3, the area*
7 *of the reduced frontage lot does not have to be increased;*
8

9 Each parcel shows building setbacks and well radius and a septic reserve or leach
10 field locations.

11
12 Soil test pit results have been submitted for the proposed lots. However, section
13 6.2.5 states that no disposal field shall be located in the setback, and it is currently
14 shown in the setback on proposed lot F-3.1. The existing driveway will be used to
15 serve both parcels so no driveway permit is needed.
16

17 **Waivers Requested:**

18
19 Waiver for a wetland scientist to delineate the wetlands on this lot, as it is only a
20 very small area in the far rear of a large parcel, and for soil scientist.
21

22 **Questions to be addressed:**

- 23
24 • Need a letter authorizing representation from the surveyor; the applicant has
25 written his name on the application.
26 • There appears to be a discrepancy in the lot sizes. The data in the NRPC GIS
27 shows that the parcel is approximately 2 acres smaller than what the applicant is
28 showing. NRPC staff is verifying.
29 • The Existing septic system needs to be depicted
30 • The applicant has received a Subdivision Septic Approval from DES and will
31 need to add a note with the permit number to the plan.
32 • The numbering of the lots to be F-3-1 and F-3-2.
33 • The sheds to be marked on the plan. Any sheds in the setbacks shall be moved or
34 removed within 12 months of approval of the plan.
35 • Future changes to the driveway will require planning board approval.
36 • The easement will move the driveway over to the north. A temporary easement
37 will be allowed during construction.
38 • The contours on map need to be removed for final plan.
39 • “Any gravel to be moved off site needs planning board approval” will be added.
40 • Spelling corrections: Wilson Road, Coburn and Russell.
41

42 *A MOTION was made by Ms. Spittel and SECONDED by Mr. Williams to continue PB-*
43 *SD01-0116 – Kennedy to February 17, 2015.*

44 *Voting: 6 ayes. Motion carried.*
45
46

1 8:34 PM Mr. Kandt arrived and Mr. Sicliano departed.

2
3 **Preliminary Discussion – Air B&B, Susan Pliner**

4
5 Ms. Spittel moved to the audience, as she is an abutter to the property.

6
7 Ms. Pliner lives at 772 Isaac Frye Highway and wishes to have an Air B&B business in
8 her home. She has been verified and approved by Air B&B. She has two bedrooms and
9 two baths on the first floor that are suitable for guests.

10 She lives primarily on the second floor of my house. Most guests would be coming in
11 spring and summer. She has parking for 3 vehicles in her driveway.

12
13 Mr. Faiman that this is permitted all but Ms. Pliner needs to follow the process in place:

14
15 *5.3.2 Bed and Breakfasts. Up to four lodging units may be created and rented in an*
16 *existing dwelling, and meals may be provided to the persons renting the lodging units.*
17 *The requirements for a bed and breakfast are the same as those for a home occupation,*
18 *except that requirement 5.3.1 a., shall not apply.*

19
20 Mr. Faiman offered to help Ms. Pliner with the Zoning Requirements and Mr. Fish has
21 offered to help Ms. Pliner navigate the Home Occupation application process for the
22 Planning Board. Ms. Downing gave Ms. Pliner necessary paperwork to complete.

23
24 Ms. Pliner departed at 8:50 PM. Ms. Spittel returned to the Planning Board table.

25
26 Mr. Williams stated there are short term rentals in Wilton that do not fall under an official
27 process. Mr. Kandt and Mr. Fish discussed this Air B&B issue is one that was discussed
28 in Portsmouth, NH.

29
30 **Preliminary Discussion – Main Street store, John Fisher**

31
32 Ms. Pattison shared an email received by a John Fisher. Mr. Fisher is looking to open a
33 store in the former pizza shop on Main Street. This would be “retail to retail” so it is
34 allowed and a Change of Use would need to be applied for. The guidelines for Change of
35 Use need to be more clearly defined and Ms. Pattison will create a list of these guidelines
36 for the next meeting. Ms. Pattison will follow up with Mr. Fisher.

37
38 **Other Business - Warrant Ballot Review**

- 39
40 • Mr. MacMartin stated the language “ This amendment has planning board
41 approval” is not necessary because these are not petition warrants. This applies to
42 all of the questions.
43 • Mr. Faiman suggested putting #2 and #4 together because they are connected.
44 • Remove “to updated” in #4
45 • #4 reference the Supreme Court Case - US Supreme Court Decision Reed vs.
46 Town of Gilbert 135S Ct. 2218 (June 18, 2015)

- Clarify Numbering in Section 3: the first 16.1 is correct but then---16.1.c.1 and then 16.1.d
- #4 Add this language: The intent of this article is to change the sign ordinance to remove the restrictions based on the content of the sign based on the US Supreme Court Decision Reed vs. Town of Gilbert 135S Ct. 2218 (June 18, 2015)
- Last sentence change clarify to correct (#5)

A MOTION was made by Mr. MacMartin and SECONDED by Ms. Spittel to adjourn the meeting.

Voting: 7 ayes. Motion carried unanimously.

Chairman Kandt declared the meeting adjourned at 9:45 PM.

Respectfully Submitted,
Sorrell Downing
Secretary